

REMARKS

This is in response to the Office Action mailed August 9, 2005. In the Office Action, claims 1-38 were cited as being subject to a restriction requirement. Reexamination and reconsideration of this case is respectfully requested in view of the amendments made herein and the following remarks.

Claims 1-6, 8-10, 12-20, 23, 26, 30, 33, and 36 have been amended. No claim has been canceled. Claims 39-40 have been added. Claims 1-40 remain at issue in the patent application. Of those remaining at issue, claims 1, 12, 23, and 33 are independent claims. Applicant believes that no new matter has been added by this response.

I) Restriction Requirement

On page 2 of the Office Action, claims 1-38 were made subject to a restriction requirement under 35 USC 121. Claims 1-38 were restricted to the following five groups of claims:

- I. Claims 1-7, drawn to apparatus, classified in class 324, subclass 763.
- II. Claims 8-11, drawn to apparatus, classified in class 324, subclass 763.
- III. Claims 12-22, drawn to apparatus, classified in class 324, subclass 763.
- IV. Claims 23-32, drawn to method, classified in class 324, subclass 763.
- V. Claims 33-38, drawn to apparatus, classified in class 324, subclass 763.

In response, Applicant provisionally elects to go forward with claims 1-7 of group I classified in class 324, subclass 763 and respectfully traverses the restriction requirement for the following reasons.

On page 2, the Office Action states “Inventions I, II, II and V in a first set and IV in a second set are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed does not require trio of ring oscillators as required in claim 23.”

Applicant has amended independent claim 23 so as to be broader in scope by reciting the phrase --two ring oscillators-- instead of a “trio of ring oscillators”. Applicant respectfully submits that the reason for separate examination of claims 23-32 is now moot.

On pages 2-3, the Office Action states “Inventions I, II and V in a first set and III in a second set are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because no requirement of first and second counters is needed in at least claims 1, 8 and 33. The subcombination has separate utility that can be used without a compare circuit as disclosed in claims 1, 8 and 33.”

Applicant has amended independent claim 12 by removing the limitations of first and second counters to new dependent claim 40 and adding the limitation of a compare circuit so as to be broader in scope and similar to independent claim 1. Applicant respectfully submits that the reason for separate examination of claims 12-22 is now moot.

On page 3, the Office Action states “Inventions I and I1 in a first set and V in a second set are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed

does not require the particulars of the subcombination as claimed because the combination can be practiced without a measurement circuit as required at least in claim 33. The subcombination has separate utility that does not require either of a clocked reliability oscillator recited in claim 1 or a static reliability oscillator recited in claim 8.”

Page 3 of the Office Action further states “Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a static reliability oscillator to generate a DC bias degraded oscillating signal recited in claim 8. The subcombination has separate utility that does not require a clocked reliability oscillator to generate an AC degraded oscillating signal recited in claim 1.”

Applicant has amended independent claim 1 so as to be broader in scope by reciting a -- degrading reliability oscillator to generate a degraded oscillating signal-- instead of a “clocked reliability oscillator to generate an AC oscillating signal”. Applicant has moved the limitation of a clocked reliability oscillator into dependent claim 4 and added new dependent claim 39 to recite the limitation of a clocked reliability oscillator in dependent form, being dependent from claim 1. Applicant has amended independent claim 8 to recite the limitation of a “static reliability oscillator to generate a DC bias degraded oscillating signal” in dependent form, being dependent from independent claim 1. Applicant respectfully submits that the reason for separate examination of claims 1-7 and 8-11 is now moot.

For the foregoing reasons, Applicant respectfully request reconsideration of the restriction requirement.

II) Claim Amendments

Applicant has amended claims 1-6, 8-10, 12-20, 23, 26, 30, 33, and 36.

As discussed previously, Applicant has amended claims 1, 4, 8, 12, and 23 to make the restriction requirement moot.

Applicant has further amended claims 1-6, 9-10, 12-13, 16-20, and 33 to remove redundancy by deleting “on-chip” from the phrase “on-chip frequency compensation circuit” and “integrated on-chip” from the phrase “integrated on-chip frequency compensation circuit” as it is clear in the preamble of the claims that the “frequency compensation circuit” is part of an integrated circuit.

Applicant has further amended claims 2-3 to be consistent with the amendments to independent claim 1.

Applicant has further amended the dependency of claims 12-14 to be dependent from new claim 40 to be consistent with the amendments to independent claim 12 discussed previously.

Applicant has further amended claim 26 to be consistent with the amendments to independent claim 23.

Applicant has further amended claim 33 to remove a redundant limitation in order to clarify the claimed invention.

Applicant has further amended claim 36 to clarify the claimed invention so as to be consistent with independent claim 33 and dependent claim 35.

Applicant has amended claim 30 to delete a duplicate word due to typographical error.

As claims 1-38 have yet to be substantively examined, Applicant respectfully submits that these claim amendments have not been made for reasons related to patentability.

III) New Claims

As previously discussed, Applicant has added dependent claims 39-40. Applicant respectfully submits that these claims can also be examined with claims 1-38 for the reasons provided above.

CONCLUSION

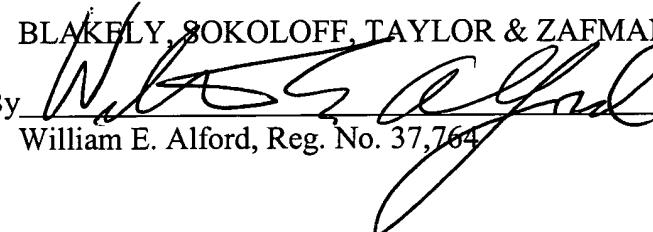
A first examination as to the merits of claims 1-40 is respectfully requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Dated: 09/09/2005

By 
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CERTIFICATE OF MAILING

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on: September 9, 2005.


Pat Sullivan
Date 9/9/2005